

**Sisk, Richard**

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**From:** Schmittiel, Paula  
**Sent:** Wednesday, April 17, 2013 11:35 AM  
**To:** Sisk, Richard  
**Subject:** FW: FW: Draft Notices of Environmental Conditions  
**Attachments:** ATT00001.txt; No sampling Notice Draft 10APR13 \_ edits KL.docx; No cleanup Notice Draft 10APR13 \_ edits KL.docx

Richard – The State has submitted additional edits on the Notices of ECs. A couple of them I'm not sure about the others (like clarifying the ROD) seem appropriate to include. Let me know what you think about these edits.

Paula Schmittiel  
Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202  
Office: 303-312-6861  
Cell: 720-951-0795

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**From:** Apostolopoulos - CDPHE, Fonda [mailto:fonda.apostolopoulos@state.co.us]  
**Sent:** Wednesday, April 17, 2013 9:41 AM  
**To:** Schmittiel, Paula  
**Subject:** Fwd: FW: Draft Notices of Environmental Conditions

Paula.

Here are the last comments from the state.

Fonda

----- Forwarded message -----

**From:** Lemon - CDPHE, Katherine <katherine.lemon@state.co.us>  
**Date:** Tue, Apr 16, 2013 at 3:29 PM  
**Subject:** Re: FW: Draft Notices of Environmental Conditions  
**To:** "Apostolopoulos - CDPHE, Fonda" <fonda.apostolopoulos@state.co.us>

Here you go. Please let me know if you have any further questions.

On Tue, Apr 16, 2013 at 1:16 PM, Lemon - CDPHE, Katherine <katherine.lemon@state.co.us> wrote:  
Okay, Fonda. I'm going to a meeting shortly, but will be back around 2:30. I'll get on that right when I get back. Thanks.

On Tue, Apr 16, 2013 at 1:15 PM, Apostolopoulos - CDPHE, Fonda <fonda.apostolopoulos@state.co.us> wrote:  
Katherine,

I need individual input on these letters.

Thanks, Fonda

On Tue, Apr 16, 2013 at 12:24 PM, Lemon - CDPHE, Katherine <katherine.lemon@state.co.us> wrote:  
Yes and no. I sent you two letters last Thursday and asked if those edits were enough to go off of  
for the other documents, or if you needed individual input. I'll try to find that message to forward  
to you.

On Tue, Apr 16, 2013 at 12:22 PM, Apostolopoulos - CDPHE, Fonda <fonda.apostolopoulos@state.co.us>  
wrote:  
Katherine.

Have you sent me comments on these letters?

Fonda

----- Forwarded message -----

From: **Schmittdiel, Paula** <Schmittdiel.Paula@epa.gov>  
Date: Tue, Apr 16, 2013 at 12:13 PM  
Subject: FW: Draft Notices of Environmental Conditions  
To: "Apostolopoulos - CDPHE, Fonda" <fonda.apostolopoulos@state.co.us>

Paula Schmittdiel  
Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202  
Office: 303-312-6861  
Cell: 720-951-0795

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**From:** Schmittdiel, Paula  
**Sent:** Wednesday, April 10, 2013 2:11 PM  
**To:** 'Farrell, Lisa - Environmental Health'; [celia.vanderloop@denvergov.org](mailto:celia.vanderloop@denvergov.org); Fonda Apostolopoulos;  
[doug.jamison@state.co.us](mailto:doug.jamison@state.co.us); Jennifer Robbins  
**Cc:** Sisk, Richard; Works, John; Chergo, Jennifer; Wharton, Steve; Murray, Bill; Hestmark, Martin; Stavnes, Sandra  
**Subject:** Draft Notices of Environmental Conditions



All – Attached are the two draft versions of the Notices of Environmental Conditions that the EPA has prepared for filing on properties where the property owner has been non-responsive in providing EPA access to conduct either sampling or cleanup. The 1<sup>st</sup> is the Notice for properties where sampling hasn't been conducted and the 2<sup>nd</sup> is the Notice for properties where sampling showed contamination but was not cleaned up.

The EPA plans to include these Notices as examples in the 1<sup>st</sup> set of letters to property owners. For the 2<sup>nd</sup> mailing, the actual Notice will be included with the letter to the property owner. Since the EPA intends to send examples of the Notices with the 1<sup>st</sup> letter, EPA would like to receive the City and the State's input on the Notices at the same time as comments on the letters. If possible, EPA would like to receive your comments by April 19<sup>th</sup>.

You can send your comments/edits in redlining on the document or in an email to me. It would be easier and less confusing if you would send your comments on the letters and on the Notices in separate emails.

The EPA looks forward to receiving your input on the letters in the near future. If you have any questions, please feel free to contact me.

Lisa – I do not have Shaun Sullivan's email address. Could you please forward this to him?

Thank you.

Paula Schmittiel

Remedial Project Manager  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202  
Office: 303-312-6861  
Cell: 720-951-0795

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Mr. Fonda Apostolopoulos, P.E.  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246

303-692-3411  
[Fonda.Apostolopoulos@State.co.us](mailto:Fonda.Apostolopoulos@State.co.us)

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**Kate Lemon**  
Public Information Specialist  
Hazardous Materials & Waste Management Division  
Colorado Dept. of Public Health & Environment

(W) 303-692-3304  
(C) 303-945-1957

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Denver, CO 80246

303-692-3411  
Fonda.Apostolopoulos@State.co.us

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named  
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

When Recorded Return To:  
Remedial Project Manager, EPR-SR  
Vasquez Boulevard and Interstate 70 Superfund Site  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street, Denver, CO 80202

### NOTICE OF POTENTIAL ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, CO [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by the United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Potential Environmental Conditions ("Notice") to disclose specific potential environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that, as of the date of this Notice, the EPA has not obtained soil samples from the above described Property.

The EPA obtained soil samples from over 4000 residential properties within the Site. Of this total, over 800 properties showed levels of lead and/or arsenic contamination that could present unacceptable risk to or make the property unsafe for children or adults. The levels at which the EPA determined that lead and/or arsenic in soil present an unacceptable risk (the so-called "action levels" in the ROD) were 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic.

As of the date of this Notice, the owner of the Property has declined the EPA's offers to sample the Property. The owner of the Property has been provided multiple written notices of and opportunities to comment on the filing of this Notice by certified mail.

The EPA's records regarding the Property and the Site may be requested by contacting:

U.S. Environmental Protection Agency, Region 8  
Superfund Remedial Program, Remedial Project Manager  
Vasquez Boulevard and Interstate 70 Superfund Site  
1595 Wynkoop Street  
Denver, CO 80202

The information in this Notice may represent potential environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

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For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee. Nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

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**United States Environmental Protection Agency**

By: \_\_\_\_\_  
Bill Murray, Director  
Superfund Remedial Program  
U.S. Environmental Protection Agency  
Region 8

Date: \_\_\_\_\_

State of Colorado    )  
                              )  
County of Denver    )    ss:

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this \_\_\_\_ day of \_\_\_\_\_, 2013.

[SEAL]

When Recorded Return To:  
Remedial Project Manager, EPR-SR  
Vasquez Boulevard and Interstate 70 Superfund Site  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street, Denver, CO 80202

### NOTICE OF ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, CO, [insert zip code], and more particularly described as follows:

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(Insert legal description as shown in Denver records)

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

Commented [K1]: When? Sept. 25, 2003? I would state something like, "The ROD established cleanup objectives in [year] for lead and arsenic..."

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WHEREAS, the EPA has prepared and recorded this Notice of Environmental Conditions ("Notice") to disclose specific environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that the EPA obtained soil samples from the Property, and those soil samples show levels of lead and/or arsenic contamination above health-based action levels.

Commented [K2]: I recommend using more general language than this, if possible. An average person may not understand this. I see that the next paragraph explains this better - maybe combine the two?

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Essentially, the levels at which the EPA determined that lead and/or arsenic in soil in residential yards present an unacceptable risk (the so-called "action levels" in the ROD) are 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic. At the Property, the EPA's sampling of the surface soils found [ ] parts per million of lead and [ ] ppm of arsenic.

As of the date of this Notice, the owner of the Property declined the EPA's offer to clean up the Property. The owner of the Property has been provided multiple written notices of and opportunities to comment on the filing of this Notice by certified mail.

Commented [K3]: Making these plural might show that there was less of a chance of the owners simply not receiving the notices or whatnot. In a way, it may eliminate any excuses.

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The records regarding sampling at the Property and other documents relevant to the Property and the Site, generally, may be requested from:

U.S. Environmental Protection Agency, Region 8  
Superfund Remedial Program, Remedial Project Manager  
Vasquez Boulevard and Interstate 70 Superfund Site  
1595 Wynkoop Street  
Denver, CO 80202

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The information in this Notice may represent environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.



For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee. Nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

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**United States Environmental Protection Agency**

By: \_\_\_\_\_  
Bill Murray, Director  
Superfund Remedial Program  
U.S. Environmental Protection Agency  
Region 8

Date: \_\_\_\_\_

State of Colorado     )  
                              )  
County of Denver     )     ss:

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this        day of  
, 2013.

[SEAL]